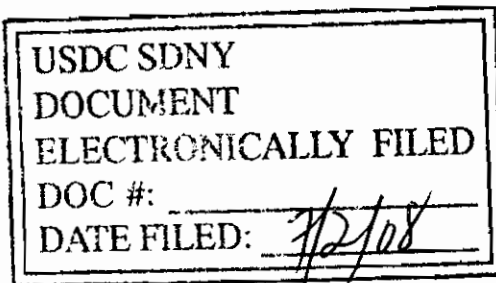


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



- - - - -X
:
SCHIAVONE CONSTRUCTION CO., INC., :
et al., :
:
Plaintiff, :
:
v. :
:
LIBERTY MUTUAL INSURANCE CO., :
:
Defendant. :
:
- - - - -X

08 Civ. 2523 (LAP)

ORDER

LORETTA A. PRESKA, U.S.D.J.

Unless counsel inform the Court to the contrary by the close of business on July 3, 2008, the Court will consider the parties' recent correspondence to be Liberty Mutual's motion to dismiss Plaintiffs' second claim (breach of duty of good faith and fair dealing), and Schiavone/GH JV's opposition thereto.

SO ORDERED:

DATED: New York, New York
July 2, 2008


LORETTA A. PRESKA, U.S.D.J.